



Arizona House of Representatives House Majority Research MEMORANDUM

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Committee on Energy, Environment & Natural Resources

Committee on Land, Agriculture and Rural Affairs

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To: Members of the *Committee on Energy, Environment & Natural Resources*

Re: Hearing on HB 2512 on Tuesday, February 6, 2018

Date: February 2, 2018

The *Committee on Energy, Environment and Natural Resources* will hear, for discussion only, [HB 2512 water program amendments](#), on Tuesday, February 6, 2018. As noted on the agenda, the only portions of the bill that will be discussed are sections 2-11, 14, 22-24, 29 and 30.

This document serves as the bill overview for the committee hearing and is organized by subject.

IGFRs (Sec. 14)

1. Declares the use of groundwater for containerized plants on or above ground is a *non-irrigation use*.
2. Allows a person who holds an IGFR in an AMA to withdraw groundwater for containerized plants on or above the surface of certificated acres if the plants are grown for:
 - a. sale or human consumption;
 - b. plant research or breeding; or
 - c. livestock or poultry feed.
 - *Currently, in an AMA a person who was legally withdrawing and using groundwater as of the AMA designation date or who owns land legally entitled to be irrigated with groundwater has the right to withdraw or receive and use groundwater as determined by the ADWR Director ([A.R.S. § 45-462](#)). To "irrigate" means the application of water to two or more acres of land to produce plants for sale or human consumption or for use as livestock or poultry feed ([A.R.S. 45-402](#)).*
3. Requires separate measurement of groundwater for containerized plants and groundwater used for an irrigation use.
4. Prohibits the total amount of water used for containerized plants from exceeding the farm's allotted amount.
5. Prohibits the registration of credits to a farm's flexibility account in any year groundwater is used for containerized plants on or above ground.
 - *Currently, a person who uses less water than the amount allowed may use the remaining amount in a succeeding accounting period or convey or sell the credits, with limitations ([A.R.S. § 45-467](#)).*

6. Requires, on request, separation of an IGFR certificate into:
 - a. one certificate for those certificated acres use groundwater for containerized plants; and
 - b. one certificate for those certificated acres that groundwater is used for an irrigation purpose.
7. Prohibits separation of an IGFR certificate if it would result in the issuance of a certificate for less than two certificated acres.
8. Specifies the certificated acres associated with each certificate are considered a separate farm.
9. Defines *certificated acres*.

Desalination Action Plan (Sec. 11)

10. Instructs the ADWR Director to prepare a desalination action plan that includes:
 - a. an identification of:
 - i. areas with significant amounts of brackish groundwater;
 - ii. areas that may benefit from treated brackish groundwater; and
 - iii. potential funding sources for the treatment and delivery of the brackish groundwater.
 - b. a cost estimate to treat and deliver brackish groundwater for an economically viable use.
 - c. an evaluation of the feasibility and cost of the disposal of the brine byproduct.
11. Permits the plan to identify and evaluate potential binational agreements or projects to treat brackish groundwater or sea water.
12. Requires submission of the plan to the Governor and the Legislature by September 30, 2019, with an update on the plan and its results every two years.
13. Defines *brackish groundwater*.

NRCs (Sec. 2-5, 22 and 30)

14. Transfers administration of NRCs from ASLD to ADFFM.
 - *Currently, NRCs are a division of the ASLD and provide for the restoration and conservation of lands and soil resources, the preservation of water rights and the control and prevention of soil erosion ([A.R.S. § 37-1001](#)). Arizona has 32 NRCs administered by ASLD and 10 NRCs authorized under federal tribal law ([ASLD](#)).*
15. Establishes the State Forester as the NRCD Commissioner and expands the duties to include:
 - a. public recognition of water conservation measures or projects; and
 - b. promotion of water-related advancements and their effect on watersheds, forest health, multiple uses and storm water runoff protection programs.
16. Adds the State Forester as an ex-officio member of the Arizona Water Protection Fund Commission.
17. Contains a blank delayed effective date.

Effluent (Sec. 10)

18. Enables ADWR to use the term *recycled water* instead of *effluent* for informational purposes.
 - *"Effluent" is wastewater from homes and businesses collected in a sanitary sewer for delivery to a wastewater treatment plant ([A.R.S. § 45-101](#)). Use is regulated by ADEQ and may be used for agriculture, golf courses, parks, industrial cooling or to recharge aquifers.*

Miscellaneous

19. Makes technical and conforming changes. (Sec. 2, 4-10, 22-24, 29)

Legend:

ADEQ – Arizona Department of Environmental Quality

ADFFM – Arizona Department of Forestry and Fire Management

ADWR – Arizona Department of Water Resources

AMA – active management area

IGFR – Irrigation Grandfathered Right

NRC – Natural Resource Conservation District